

REMARKS

By this amendment, claims 1-17 are pending, in which no claims are currently amended, canceled, withdrawn, or newly presented. No new matter is introduced.

The final Office Action mailed April 6, 2005 rejected claims 1-17 as obvious under 35 U.S.C. § 103(a) based on *Ng et al.* (US 6,374,256) in view of *Glass* (US 6,321,261)

The rejection of claims 1-17 under *Ng et al.* in view of *Glass* is respectfully traversed because the references fail to suggest or disclose the features of the claims. For example, independent claim 1 recites a “method for persistently storing an object belonging to a class” and “instantiating a persistent agent based on a name identifying the class, said persistent agent providing an interface including a routine for persistently storing the object in a persistent object store.”

Ng et al. (per col. 1: 58-60) is directed to an “apparatus and methods for creating indexes in a relational database corresponding to classes in an object-oriented application.” In particular, *Ng et al.* discloses the use of a GUI-style object-database mapping tool **508** whereby a user may select fields of a class and have corresponding indexes generated for the user-selected fields (col. 7:49-56; col. 8:3-7). *Ng et al.* further disclose a database connectivity DBC module **208** that provides an API for Java™ applications to make SQL calls to a database (col. 6:12-35). *Ng et al.* does not disclose, however, that any agent, much less a persistent agent, is instantiated based on a name identifying a class, as correctly acknowledged by the Office Action (p. 3, lines 13-14).

As best understood, the Office Action equates the DBC module **208** of *Ng et al.* with the recited “persistent agent” (Office Action, p. 2, lines 9-15). There is no suggestion of instantiating the DBC module **208** based on a name identifying any class, much less any of the “persistence-capable” classes which the Office Action apparently equates with the recited “class” to which the recited “object” belongs (i.e., the object to be persistently stored by the routine). As best

understood, the Office Action equates the recited “routine” with the tool **508** of *Ng et al.* It is technically infeasible to instantiate any type of “persistent agent providing an interface including” the tool **508** based on a name identifying a class of one of the objects to be persistently stored by *Ng et al.*, as the user provides classes corresponding to the objects to the tool **508** to be mapped to a database **502** of *Ng et al.* (col. 7: 25-56) It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 218 USPQ 769 (Fed. Cir. 1983). A prior art reference must be considered in this entirety including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, if a proposed modification would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP § 2143.01 The proposed modifications to *Ng et al.* are thus untenable.

Glass too fails to teach this feature. In *Glass*, a method of constructing an object remotely across a computer network (per title) includes creating a local virtual Java™ object **100** from a virtual Java™ class in a first host address and port number **102**, and creating a remote Java™ object **104** from the virtual Java™ class by specifying the address of a second host address and port number **110** in which the created object is to reside (per Abstract). The Office Action, however, (p. 3, lines 14-15 and p. 4, lines 8-10, emphasis added) states: “Glass provided more details on **naming conventions** used when constructing an object” and contends: “Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the

invention, to have modified Ng's invention, to include details regarding **the naming of created persistent agents.**" However, claim 1, directed to a "method for persistently storing an object belonging to a class," recites, "instantiating a persistent agent **based on a name identifying the class**" which specifies how the agent is instantiated, and not how the agent is named. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).
MPEP § 2143.01

In the "Response to Arguments" section, the Office Action (p. 14, line 17 - p. 15, line 2) states:

The Glass reference disclosed that a class is created based on a name. Col. 3, lines 58-67, "Thereafter, to construct a remote object or agent (how the agent is instantiated, based on a name identifying a class) of the class Store, the following exemplary syntax may be used ..."

However, this portion of *Glass* fails to cure the deficiencies of *Ng et al.* as discussed previously. Thus, the rejection of claim 1 should be withdrawn.

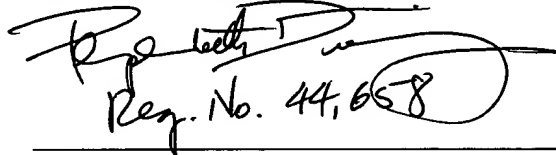
For reasons similar to those discussed above regarding claim 1, the rejection of independent claims 11 and 13-17 should also be withdrawn.

The rejection of dependent claims 2-10 and 12, which depend from claims 1 and 11, respectively, should be withdrawn for at least the same reasons as those discussed above with regard to their respective independent claims, and these claims are separately patentable on their own merits.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-8501 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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